

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERIC MCCORMICK,

Plaintiff,

ORDER TO PRODUCE

-against-

19 Civ. 2916 (KMK)

THE COUNTY OF WESTCHESTER, et al.

Defendants.

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WHEREAS, the above entitled action was commenced by the filing of a Complaint by plaintiff Eric McCormick (“Plaintiff”) on or about April 2, 2019; and

WHEREAS, Plaintiff thereafter twice amended his Complaint on or about September 24, 2020 and December 23, 2020, respectively; and

WHEREAS, Plaintiff’s Second Amended Complaint (the “SAC”) alleges, *inter alia*, violations of his Fourth, Fourteenth and Eighth Amendment rights, as well as various state law claims; and

WHEREAS, notwithstanding the requirements of New York General Municipal Law (“GML”) § 50-h, Plaintiff has not subjected himself to an examination relative to the alleged occurrence and extent of the alleged injuries and/or damages for which his state law claims are made despite the demand of defendant Westchester County (the “County”); and

WHEREAS, the County agreed with Plaintiff not to move to dismiss Plaintiff’s state law claims on GML § 50-h grounds pending Plaintiff’s production for a GML § 50-h examination; and

WHEREAS, Plaintiff has agreed to an examination by the County relative to the state law claims alleged in the SAC in accordance with GML § 50-h on February 18, 2021 at 1:00 p.m. by remote video conferencing means; and

WHEREAS, Plaintiff is presently in the custody of the U.S. Marshals Service, Queens Detention Facility, located at 182-22 150th Avenue, Jamaica, New York and assigned inmate number #79597054; and

WHEREAS, in order for the GML § 50-h examination of Plaintiff to proceed, the Queens Detention Facility requires an Order from this Court;

NOW, THEREFORE, it is ORDERED that the GML § 50-h examination of Plaintiff ERIC MCCORMICK shall be conducted on February 18, 2021 at 1:00 p.m.; and it is ORDERED, that the Superintendent or other Official in charge of the Queens Detention Facility, located at 182-22 150th Avenue, Jamaica, New York shall produce Plaintiff Eric McCormick to participate in a GML § 50-h examination by remote video conferencing means on February 18, 2021, commencing at 1:00 p.m. until completion;

Dated: White Plains, New York
January 29, 2021

So ordered:



HON. KENNETH M. KARAS
United States District Judge